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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/862,688 05/22/01 MAUER

D 0275M-260DVB

EXAMINER
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QM32/1107

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OMGBA.E	
ART UNIT	PAPER NUMBER

3726

DATE MAILED:

11/07/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

09/862,688

Applicant(s)

Mau et al. r

Examiner

Essama Omgba

Art Unit

3726



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/119,255.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7, 9, 12, 13, 15-26, 29, 33, 43, 44, 50 and 53 are rejected under 35

U.S.C. 102(b) as being anticipated by Speller, Jr. et al. (US Patent 5,829,115).

With regards to claims 1 and 2, 6, 7, 9, 12, 13, 17-26, 29, 33, 43, 44, 50 and 53, Speller, Jr. et al. discloses an electronic control system for use in a riveting process, the system comprising a rivet and a riveting machine, an electronic control unit, an electric motor connected to the electronic control unit and sensors connected to the electronic control unit and the electric motor, the sensors indicating various characteristics of the electric motor and various riveting characteristics, the electronic control unit being a programmable computer, see column 2, lines 24-31, column 7, lines 20-23 and 42-54 and column 8, lines 17-35.

For claims 4 and 15, see column 5, lines 23-29 and 49-64.

For claims 5 and 16, see column 8, lines 22-24.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 8, 10, 11, 14, 27, 28, 30-32, 34-42, 45-49, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speller, Jr. et al in view of Gast (US Patent 4,901,431). With regards to claims 3, 8, 14, 35-40, 45, 46, 48 and 49, Speller, Jr. et al. discloses an electronic control system as shown above except for a rivet feeder connected to the electronic control unit, a feed tube sensor wherein the rivet size is sensed by the sensor and an articulating robot attached to and positioning the riveting machine. However Gast teaches such rivet feeder and robot, see columns 13 and 14. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have incorporated a rivet feeder and an articulating robot to the system of Speller, Jr. et al., in light of the teachings of Gast, in order to facilitate transfer of the rivet and enhance the rivet installation process.

For claims 10 and 11, Applicant should note that the choice of appropriate sensors is well within the general knowledge of one of ordinary skill in the art.

For claim 27 and 28, Applicant should note that the position of the electric motor is an obvious matter of design choice.

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For claims 30 and 34, Applicant should note that Speller, Jr. et al.'s system can accommodate self-piercing rivets.

For claims 31, 32, 41, 42, 51 and 52, Applicant should note Gast electrical control unit transmits error signals and stops the rivet process if an undesired condition is present.

For claim 47, the use of an endless belt is an obvious matter of design choice that is equivalent to Speller, Jr. et al.'s reduction gears mechanism.

### ***References***

5. The prior art references listed on the enclosed PTO-892, but not used in a rejection of the claims, are pertinent to Applicant's disclosure.

### ***Contact Information***

6. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580. Should Applicant desire to submit a DRAFT response to the Examiner by facsimile transmission, then Applicant should contact the Examiner at the number below for instructions concerning the transmission of DRAFT documents. Applicant is reminded to clearly mark any facsimile transmission as "DRAFT" if it is not to be considered as an official response.

7. Any inquiry concerning this communication should be directed to Examiner Essama Omgba at telephone number (703) 305-2915.

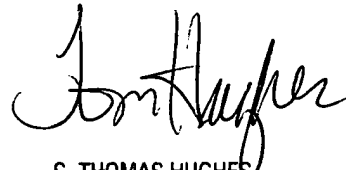
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November 4, 2001

A handwritten signature in cursive script, appearing to read "S. Thomas Hughes".

S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.